

**MINUTES OF MARION CITY COUNCIL REGULAR MEETING**  
**CITY COUNCIL CHAMBERS**  
**TUESDAY, MAY 10, 2016**  
**6:30 P.M.**

A regular meeting was held by City Council on Tuesday, May 10, 2016 at 6:30 p.m. over which Mayor Bobby L. Davis presided. Council members Michael Baker, Ralph Atkinson, Ronald Atkinson, Odessa Gregg, Joseph Frazier and Emerson Hunt were present. Also present were City Administrator Alan Ammons, City Treasurer Patricia Brown City Clerk Pam Jones and the City Attorney.

Mayor Davis called the meeting to order and Councilwoman Gregg gave the opening prayer. Mr. Ammons led the Pledge of Allegiance. Mayor Davis welcomed citizens, guests and the press. (Hometown TV).

Councilman Joseph Frazier made a motion to approve the minutes of the regular meeting on April 12, 2016 and special meeting on April 25, 2016, seconded by Councilman Michael Baker; motion carried.

Ms. Cheryl Askins, Assistant Athletic Director at the Marion Recreation Department, was named *April Employee of the Month* and presented with a gift certificate. Mayor Davis thanked Ms. Askins for a job well done.

The Mayor's Monthly Beautification award for April was awarded to Ms. Cynthia Chambers. Mayor Davis thanked Ms. Chambers for her help in keeping Marion clean and beautiful. Ms. Chambers thanked the Mayor for the recognition and encouraged others to help keep our City clean.

No one was present to accept the Proclamation for Teen Pregnancy Prevention Month. At the request of Mayor Davis, City Clerk Pam Jones read the Proclamation.

Ms. Lois Edwards was in attendance to present the City of Marion the *Tree City* Award for the 24<sup>th</sup> year. Ms. Edwards reviewed what was required to qualify as a *Tree City*. She thanked the Mayor, Council and City employees for the good job in maintaining the trees that keep Marion beautiful. On behalf of

Council and the City of Marion, Mayor Davis thanked Ms. Edwards for the award and also the *Tree City* flag.

Councilman Ralph Atkinson made a motion to allow St. Stephen's Baptist Church use of Watsonia Recreation Center every Sunday through September 30<sup>th</sup>, while their church is being rebuilt; seconded by Councilman Joseph Frazier. After some discussion about the church being completed by that date, Councilman Ralph Atkinson made a motion to amend the date and extend it to October 30<sup>th</sup>, seconded by Council Joseph Frazier; motion carried. Reverend McFadden, Pastor of St. Stephen's Church, thanked the Mayor and Council for allowing them use of Watsonia.

### **ADMINISTRATOR'S REPORT**

Regarding the Recreation Department Agreement with Marion County, that the County give the City \$3,500 which will then allow the county children to pay the same fee that children in the city limits pay, beginning July 1<sup>st</sup>; Councilman Ralph Atkinson made a motion to accept the Agreement, seconded by Mayor Pro-tem Ronald Atkinson. Councilman Ralph Atkinson asked at what point would we re-visit this Agreement. Mr. Ammons recommended that it be looked at again in April or May to see how registration went. The motion carried.

Mr. Ammons stated that the final CTC projects, the drainage project and Withlacoochee Park, will be bid on by next Council meeting. Street signs on Main Street are finished and we are waiting on reimbursement. The Council on Aging parking area has run into some issues with the weather and are negotiating for a little extra land, and will take a little longer. As soon as the Withlacoochee project is finished, we can go ahead with new projects (driveways, sidewalks and any paving we need to get done) and submit them to the CTC.

Approximately 150 letters have been sent to property owners who have overgrown weeds and vegetation. We are sending approximately 15 letters per day, which makes it more efficient in keeping up with who has followed our request to cut their grass, before we have to take action.

Mr. Ammons commented that the roof on Grice's has been completed and that the outside of Watsonia has been painted and a couple of lights are being worked on and should be finished this week. Also, around the building has been cleaned up and looks good. Mr. Ammons encouraged Council members to go by to see the improvements.

Mayor Pro-tem Atkinson commented that regarding overgrown grass, the property where Grand Strand's new facility is located is about waist high and is certain they can afford to cut their grass. Mr.

Ammons will contact Mrs. Shelley at GSWSA and ask them to take care of it. Also brought to Mr. Ammons' attention is the lots on Walnut Street, to which he responded that Dennis was almost to that area and letters would be going out shortly. Councilman Frazier commented that 618 Gibson Street was in bad shape and the property owner needed to take care of it. Mr. Ammons responded that Dennis has not gone through that area yet. Councilman Hunt asked if it is allowable to spray poison on the whole lawn to kill the weeds. Mr. Ammons commented that anything bought to be used in residential areas should not harm ground water, but the attorney may be able to elaborate on that. Attorney Davis commented that the City would need an ordinance to specify and give notice to the public as to what is being used. Councilman Baker inquired if they were doing any drainage around the field in his area that they had talked about and Mr. Ammons responded that DOT has been notified and they will be working on that area, sinkholes are causing the problem. We replaced part of the pipes during the reno at Grice's, but not the field section. That will be a project that will need to be submitted to the CTC, because that is going to be an expensive project. Mayor Davis asked that Mr. Ammons tell those in attendance about the percentage of roads/streets that are actually owned by the City. Mr. Ammons commented that the City only owns about 8-10% of the roads, sidewalks and storm drains. The City actually owns only 14 streets in Marion, the rest belong to the state and DOT is responsible for maintenance for those. Councilman Hunt commented that he had travelled over the state and the roads/streets in Marion are some of the worst he has seen. He inquired as to what do we, as a City, need to do to get help for our streets and how does the state decide who gets funding to get their roads fixed. Mr. Ammons responded that as far as CTC money, that's the decision of Council as to what projects are presented and the Mayor and he present to CTC. DOT is responsible for surveying and street and road conditions throughout this District and it's their responsibility to identify and take care of potholes or other problems. Councilman Hunt wants to know why our City does not get the same consideration as other areas. Councilman Ralph Atkinson commented that it appears there is a deficit everywhere, as it has been reported that it will take over \$400 million to repair potholes across the state. Councilman Hunt responded that he is trying to find some clarity regarding the condition of the streets in the center of town and not around the county and it seems streets in other places are in better shape. Attorney Davis stated that CTC funds can be used to fix problem areas, the problem is that once the City fixes the problem, then the City, along with DOT, becomes responsible for anything that happens on that particular road. Councilman Hunt wants to be accurate when he is questioned about the condition of our streets/roads. He also commented on how poorly visible the stripes, handicapped parking and other painted areas are. Mr. Ammons responded that we should put together a comprehensive plan before we go to CTC and request as much money as

possible. Mayor Davis commented that the state is considering turning over all of the roads to the counties, who will then be responsible for maintaining those roads and this would be a disaster for counties like Marion, which has no major growth, as we are in the "donut" hole between Horry, Florence and Dillon counties. Senator Williams and Representative George are doing everything they can to help us, but we are only being funded at 70% of local government funds, when the state approved 100%. Mayor Davis commented that the only other thing is to raise taxes and it is not his desire to do so.

### **CITY ATTORNEY'S LEGAL UPDATE**

Attorney Davis stated that the State Supreme Court has issued a ruling on the ever-changing law on corporate body agendas and the most recent one now requires that after Executive Session, you have kind of a general statement saying that you want to take some kind of action on the Executive Session. The City's agenda was compliant with that before the ruling came out. There may be a slight tweaking on the language, whereas instead of specific, it could just say "general action on Executive Session". Attorney Davis commented that we would get that adjusted going forward. The 4<sup>th</sup> Circuit Federal Court of Appeals recently made two important decisions; one being the Police Taser Policy, which says you cannot use a Taser on a non-violent person who is resisting; effectively you have to wait them out. Your Taser policy will be updated to be in compliance with the current standard in effect in South Carolina. The second is the transgender issue which may involve some type of bathroom alternative for people who claim transgender status. Attorney Davis stated that they were monitoring this and would keep the City abreast of what happens.

### **DEPARTMENTAL REPORTS**

Mayor Davis stated that Council received departmental reports in their packets.

### **DISTRICTS AND CITY UPDATE FROM COUNCIL AND MAYOR**

Councilman Michael Baker commented that the community garden looks better than it has in previous years. Mr. Sanders has done a terrific job and there is an array of vegetables growing: peas, beans, squash, and corn, to name a few. The garden is very well kept up and he encouraged everyone to take a look at it.

Councilman Joseph Frazer commented that the World Day of Prayer was very well attended and that the Mayor and City Chaplain represented the City well. Hopefully more people will come out next

year as this is a good thing to bring people together in Marion. Councilman Frazier asked if the County could do something about the property at 514 Dunlop, to which Mr. Ammons responded that the County is waiting on a deed to be prepared and there are several people interested in purchasing the property and fixing it. Mr. Ammons will make sure the grass is cut. The houses at 618 and 620 Gibson need to be looked at as the property is gown up and in bad shape. Councilman Frazier asked that it be on the record that "we should notify Simon Jenkins about his property over there. It is ridiculous that nothing has been done about that. HE needs to do something about his property on Gibson Street and Liberty Street. It's uncalled for to let a building sit there 18 or 20 years like that and nothing done about it. It's a disgrace to the City."

Mayor Pro-Tem Ronald Atkinson commented that his only concern is the grass at Grand Strand's property.

Councilman Ralph Atkinson had no comment at this time.

Councilwoman Odessa Gregg thanked the citizens for coming together on the National Day of Prayer and also Bishop Michael Blue, Pastor Stan Gibson and Mrs. Karen Christmas for putting this program together. She stated that appreciated all of us and has seen a lot of growth and cooperation and appreciates these things.

Councilman Emerson Hunt wished all mothers a Happy Mother's Day. Councilman Hunt commented that in his District (3), a young man had been killed on Jones Avenue, in addition to two others within the last 4 months. Jones Avenue is now saturated with people who are being put out of their government housing if they are not residents of that property, in addition to the true residents being put out (as they are not allowed to have additional people living in the house). One man who was killed in is residence was the only person that lived in the area, the others violence is coming from people who don't even live on that street. We have to do something because it is to the point that when there are four murders on the same street in a residential area, the violence is out of control and we need to find some remedy to that problem. The Chief can't do but so many things, but as a body, Council should do something now and this has to be addressed. Councilman Hunt would like for the Attorney to research how we can deal with this problem.

Mayor Bobby Davis commented that Councilman Hunt will hear more tonight about plans for how we are going to deal with that issue. Chief Tennie, Mr. Ammons and Mayor Davis have looked into what needs to be done. Chief Tennie commented that patrol has been beefed up in that area and the City is looking into purchasing a building to be used as a sub-station. Councilman Hunt commented that he was not trying to put any negative attention towards the Chief, it is not the police's fault, but the negative elements (3 murders committed by non-residents of that area) are creating it. In response, Chief Tennie stated that he hears and understands the concerns and they are addressing those concerns and will take all necessary actions to combat the problem. Mayor Davis stated that Chief Tennie has already started foot patrol in that area. Mayor Davis quoted Bishop R. F. Davis, who told a young lady that "if the police knew this was going to happen, it would have never happened. They would have stopped it." Mayor Davis commented that we have too much of this in Marion and we are going to remedy it one way or the other. We know what we need to do and we have plans for that area. Mayor Davis, Chief Tennie and Mr. Ammons will let Council know what they are planning and hope that Council will go along with it, so that we can all feel safe again. Mayor Pro-tem Atkinson commented that we previously have a sub-station on 76 that is never used and, before Mayor Davis' tenure, there was one located in the projects on Bluff Road and it got to the point that the police would not even go there, much less the citizens. The Housing Authority has now put cameras there so they can see what is going on and go in and correct it, but we can't do that on Jones Avenue or other streets in town. He hopes it will work, but doesn't know if putting a sub-station somewhere on Jones Avenue will help. There's a lot of real estate there and if people can't stay in the projects, they're going there. Chief Tennie commented that he could put an officer there full-time, so residents would be able to go there with any concerns. Mayor Pro-tem Atkinson commented that it's not safe to ride down that street, but he knows they are working on the problem. Mr. Ammons stated that Duke Energy is going to change all the street lights on Jones Avenue to LED lights, which will be much brighter and the light bill will not be any higher. They will change any street lights that have been there for 20 years to LED lights at no charge. It will be a long term process as there are 400 street lights to change, but Jones Avenue has top priority. Councilman Hunt commented stated that we need to be extremely aggressive as many residents on Jones Avenue are fleeing their own homes to escape the violence created by people who don't even live in that area, and you see For Sale signs all along the street. We are losing a tax base and the potential of kids growing up and being productive, due to 15-20 knuckleheads rolling through there, who shouldn't be there. Councilman Hunt further commented that we need to be very aggressive in dealing with this and that is not directed at the Police Chief, but to the Attorney, so he can research how aggressive we can be on that street. Mayor Davis stated that we are

addressing that issue and we are going to continue to work on the problem on Jones Avenue. We are not going to tell everything we are going to do, but there will be eyes and ears on Jones Avenue if we can get our plan operational. Mayor Davis thanked Mrs. Karen Christmas for the great job she does in putting together the National Day of Prayer Service every year. The City also participated in the Relay for Life again this year and things went well. Mayor Davis thanked Ms. Dolly Boyer for the District 4 Neighborhood Watch preparing lunch for our police officers and washing the police cars. Mayor Davis commented that the Community Garden on Reaves Street is awesome. We need volunteers to work the garden. It is open to all residents to come and get vegetables. The Mayor's Coalition is trying to put together a July 4<sup>th</sup> Celebration and will take place at the old amphitheater, now the Swamp Fox Entertainment Complex. We will recognize 1<sup>st</sup> Responders and Military. There will be music, vendors and other things going on and this will be a great day for us. Mayor Davis commented that Marion's first Recreation Bus is now ready for use this summer.

#### PUBLIC COMMENTS

Mr. Marshall Smith and Ms. Bette Smith were present to talk about the dog ordinance. In the City. Ms. Smith and her dog were attacked in her yard by her neighbor's pit bull and she found out the dog had not been inoculated since 2012. She wants to see what can be done to make this doesn't happen again to any residents. Mayor Davis commented that in our Ordinance it states that once a dog has been determined a dangerous dog, the owner must have insurance and a secure area for the dog. If they are loose and outside of that area, they can be fined and the dog taken away. Councilman Ralph Atkinson stated that if the City is enforcing the Ordinance, that's all we can do. If it has gone to court, then it is up to the court to make remedy. Councilman Hunt asked Ms. Smith if she was trying to move to restrict pit bills in the City, by Ordinance, to which she replied yes. Councilman Hunt responded they are a vicious dog and have a terrible reputation, but there are many who believe the opposite. Councilman Ralph Atkinson stated that since this has issue has already been taken up in court, his recommendation is that we turn it over to the Attorney to review the Ordinance and we can make sure we are enforcing the Ordinance, moving forward. Councilman Baker's recommendation is for the City Attorney to look at the Vicious Dog Law for the State of South Carolina. Attorney Davis commented that Councilman Ralph Atkinson made a motion to turn the matter of Vicious Dogs over to the Attorney for review, and to clarify our Ordinance. Councilman Michael Baker seconded the motion; motion carried.

## EXECUTIVE SESSION

Councilman Michael Baker made a motion to enter Executive Session to discuss a Contractual matter regarding real estate, seconded by Councilman Joseph Frazier; motion carried. Upon returning from Executive Session, Mayor Davis stated that no action was taken. Councilman Michael Baker made a motion to return to regular session, seconded by Mayor Pro-tem Ronald Atkinson; motion carried.

Regarding the Real Estate Purchase, Mr. Ammons stated that if it is Council's desire, he and Mayor Davis would like to be authorized to enter into negotiation on the possibility of purchasing real estate on Jones Avenue for a potential sub-station. Councilman Michael Baker made a motion to authorize Mayor Davis and Mr. Ammons to negotiate real estate on Jones Avenue. Mayor Pro-tem Ronald Atkinson asked if there was a certain amount not exceed during negotiations. Councilman Baker responded no, but in allowing negotiations to move forward, without having to come back to Council, he made a motion to amend his previous motion; the motion is to authorize Mayor Davis and Mr. Ammons to negotiate real estate on Jones Avenue, up to \$27,000. The motion was seconded by Councilman Joseph Frazier and carried.

## ADJOURNMENT

With no further business to discuss, Councilman Ralph Atkinson made a motion to adjourn, seconded by Mayor Pro-tem Ronald Atkinson; motion carried.

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Mayor Bobby L. Davis

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City Clerk Pam Jones

Taped: May 10, 2016